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MEMORANDUM

TO: Agency Heads and Human Resources Directors of All Agencies, Boards, and Commissions

FROM: Samuel L. Wilkins, Director
Office of Human Resources

DATE: May 26, 2010

SUBJECT: Compensatory Leave for Part-Time Employees

The State Human Resources Regulations are being amended to allow part-time employees to be granted compensatory leave instead of being paid for hours worked over the employee's scheduled hours in a workweek.

Part-time, nonexempt employees (in positions other than Temporary) who record hours worked or a combination of hours worked and leave over their regular scheduled hours (Planned Working Time on Infotype 0007) in their FLSA workweek (i.e. 20 hours per week in a seven day consecutive workweek) would be eligible for compensatory time on an hour for hour basis up to 40 hours in the workweek. Refer to Section 19-709.02 J. Overtime – Compensatory Time for nonexempt part-time employees who work in excess of 40 hours in a workweek. Employees may be paid at the straight hourly rate in lieu of compensatory time for the hours between their scheduled hours and 40 hours at the discretion of the agency. In order for employees to be paid for the additional hours in lieu of receiving compensatory time, they must be flagged on Infotype 2012 as "overtime paid eligible". The following are two scenarios regarding the implementation of compensatory leave for part-time employees in the system:

Scenario A:

A nonexempt employee in an FTE position is scheduled to work Monday, Tuesday, Wednesday and Thursday each week for 5 hours per day for a total of 20 hours per week (7 day FLSA workweek). The semi-monthly pay for the employee is therefore based upon the 20 hours per week. If the employee works 25 hours in a particular week, the agency may grant the employee compensatory time for the 5 additional hours or pay the employee for the 5 additional hours at the straight hourly rate.

Scenario B:

A nonexempt employee in an FTE position is scheduled to work Monday, Tuesday, Wednesday and Thursday each week for 5 hours per day for a total of 20 hours per week (7 day FLSA workweek). The

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semi-monthly pay for the employee is therefore based upon the 20 hours per week. If the employee records sick leave for 5 hours on Monday and works 20 hours in the remaining workdays of the workweek, the total hours recorded in the week including absence hours is 25. The agency may grant the employee compensatory time for the 5 additional hours, or pay the employee for the 5 additional hours at the straight hourly rate. The agency may consider temporarily adjusting the work schedule by performing a shift substitution that places the employee off on Monday. By performing a shift substitution, the system would not expect the employee to record absence and/or attendance information for that day of the workweek.

Compensatory leave should be used before annual leave or leave without pay. All non-exempt employees shall be paid for unused compensatory leave prior to or upon separation from employment. Exempt employee shall not be paid for unused compensatory leave upon separation from employment.

If you have any questions, please contact the Office of Human Resources at 737-0900.